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Hanford Openness Workshop #4
Tribal Openness Concerns
June 2, 1999
Cheney Cowles Museum, Spokane, Washington

SUMMARY

PARTICIPATING:

Debi Abramson, Lockheed Martin Hanford Company; Kristie Baptiste, Richard Buck, Dan Landeen, Angel McCormack, Anthony Smith, Patrick Sobotta, John Stanfill, Nez Perce Tribe; Mary Lou Blazek, Dirk Dunning, Oregon Office of Energy; Kevin Clarke, Yvonne Sherman, Rick Stutheit, Department of Energy Richland Office; Steve Corker, Pamela Padley, Hanford Health Information Archives; Kim Engle and several staff members, Pacific Northwest National Laboratory; Dennis Faulk, Environmental Protection Agency; Elaine Faustman, Michael Kern, Todd Martin, Donna Prisbrey, Consortium for Risk Evaluation with Stakeholder Participation (CRESP); Andy Gordon, University of Washington Graduate School of Public Affairs; Judith Jurji, Hanford Downwinders Coalition; Diane Larson, Public at Large; Rich Lyons, Department of Energy Headquarters NN-521; Nanci Peters, Yakama Indian Nation; Keith Prisbrey, University of Idaho College of Mines; Kandie Prisbrey, Public at Large; Gerry Pollet, Heart of America Northwest; Max Power, Joy Turner, Jerry Yokel, Washington Department of Ecology; Darci Teel, Bechtel Hanford; Jim Trombold, Washington Physicians for Social Responsibility; J R Wilkinson, Confederated Tribes of the Umatilla Indian Reservation (Umatilla).

WELCOME, INTRODUCTIONS AND MEETING BUSINESS

After a guided tour of the museum, Richard Buck of the Nez Perce Tribe welcomed the group with an invocation. Participants introduced themselves. Workshop Spokesperson Mary Lou Blazek provided an overview and history of the Workshops for newcomers. Michael Kern reviewed the workshop agenda and the contents of the educational resource packet developed by the Tribal Openness Working Group.

Participants commended the Working Group for the quality of the packet and suggested it be distributed to the Hanford Advisory Board and others as an introduction to tribal issues and concerns. There are copyright issues to resolve and Working Group members said they would need to work with their tribal councils before agreeing to wider distribution. The Working Group will work on this, along with creating a tribal openness concerns fact sheet. Participants also pointed out that the packet was not intended to substitute for interacting with a tribe itself or to provide a definitive "tribal" view.

Action Item: The Tribal Openness Working Group to review the Tribal Openness Workshop educational resource packet to create a document for wider distribution.

Action Item: The Tribal Openness Working Group to create a fact sheet on tribal openness concerns.

YAKAMA OVERVIEW

Nanci Peters, representing the Yakama Nation carried a message from the Yakama elders, saying, "We're not there yet on openness." She expressed regrets that the elders were not meeting face-to-face with declassifiers. She added that until the elders meet with decision makers at Department of Energy (DOE), there remains a gap in openness. She said elders are hesitant to attend meetings because in the past people have only wanted to see them in traditional dress or check them off a list-their ideas have not been incorporated. She contrasted the written, Anglo culture with the oral, Indian culture. She pointed out that the packet, though helpful, cannot incorporate the Tribe's rich and complex oral history. The elders say that those interested in their perspective should take the time to go to them, meet with them and see what they are like.

Nanci Peters said her role is to help make the connection between the elders and DOE representatives. Ultimately, openness would mean there is no need for her role as an intermediary. She expressed concern that many people do not understand what sovereignty or "government-to-government" mean. She explained that the elders would rather not go through an organization like the Workshops, but talk directly with the people who make the decisions. She said she would take the message back to the Tribe that she has worked with Hanford declassifiers and feels they are good people. She is grateful that they want to learn about the tribes. She will help make the connections. She said the Yakama don't want or need to know how the bombs were built, but what effects there have been on the land, air and water and past and future activities.

NEZ PERCE OVERVIEW

Patrick Sobotta, Director of the Nez Perce Environmental Restoration and Waste Management Department reviewed the history and current structure of the Nez Perce Tribe. He explained that the United States government did not grant the rights reserved in the treaties; rather, the Nez Perce chose to reserve them. He stated that a dialogue with the tribes could not take place without consideration of the implications for treaty rights.

The Nez Perce Tribe operates under a constitution adopted in 1961 with an eleven member Tribal Executive Committee and a General Council of all adult tribal members. Currently the Tribe is working with the other Hanford-affected tribes and DOE to proactively plan how to repatriate any remains or associated objects which current projects may inadvertently uncover. They are also participating in a site-wide monitoring program, discussing revegetation issues, putting articles on Hanford issues in the tribal paper and graduating students in the sciences to join their staff. The Nez Perce have a long history of working with other governments. Patrick Sobotta said the decisions being made today by the U. S. and tribal governments will have the same lasting impact on the region as those made a century ago, when the treaties were signed.

Richard Buck explained Nez Perce Tribe cultural issues, including the fact that approximately 15% of the Hanford area has been surveyed for cultural sites. With each new project, more area is inventoried and security issues related to sacred sites become more

pressing. He expressed concern that the job is not just to clean up the site; DOE must also comply with cultural resource laws that have been so carefully fought for and established. He emphasized the need to restore native plants. He commended Nez Perce staffers who have come to participate in the workshop for working hard trying to show how much this means to them and to their people.

CONFEDERATED TRIBES OF THE UMMATILLA RESERVATION OVERVIEW

J R Wilkinson, of the Umatilla Department of Natural Resources explained that his position at the Tribe is not to set policy, but to reflect policy established by the Tribal leadership. He also explained that cultural resources and Hanford clean up are managed separately within the Tribal government. He manages the Hanford clean up. In doing this, he is seeking to protect four criteria: 1) Tribal sovereignty, 2) Tribal unity, 3) the health and safety of those on the Reservation, and 4) the Reservation's biota and natural resources. J R Wilkinson explained that he seeks to ensure that Tribal staff understand the science needed to participate. Scholarships and internships are an important part of this. He recognized the Oregon Hanford Waste Board for their tribal participation efforts. J R Wilkinson's goal is that the Tribe become a true co-manager with DOE and the other Tri-Party agencies to manage environmental, cultural and other significant issues at Hanford. The treaty his tribe signed with the federal government is what forms the basis for government-to-government interaction.

HANFORD HEALTH INFORMATION ARCHIVES

Steve Corker of the Hanford Health Information Archives explained that the purpose of the Archives, located at Spokane's Gonzaga University Library, is to gather information and oral history so it is available for future study of Hanford health effects. The Archives have been in operation for three years and has one tribal representative on its board. Many of its holdings are available online at www.hhia.org. There is only one oral history in the Archives at the moment that reflects a tribal perspective. The Archives would like more tribal perspectives. Steve Corker became involved with the Archives when he discovered possible connections between his health problems and Hanford releases in the 1940s.

Pamela Padley, the Manager of the Archives, described the donor packet. Individuals may contribute health histories or personal stories and oral histories. The Archives can release the information anonymously, using a number instead of a name. Groups may also submit collective stories. Donors review the transcription of their oral history before the Archives make it available. The Archives are currently funded by DOE, but would like to move to other government and/or private funding.

The group discussed issues surrounding tribal involvement in the Archives, including whether "third party laws," intended to allow third parties to review information revealed about them in other people's oral histories collected by the Archives, apply to tribal governments. Richard Buck, Angel McCormack and Nanci Peters explained that the tribes know the Archives exist and will use it when they deem necessary, but have concerns about protecting cultural information.

HANFORD DECLASSIFICATION PROJECT

Kim Engle, Manager of the Hanford Declassification Project, thanked the Workshops for its letter dated April 22 to Secretary Richardson and Site Manager Klein requesting full funding for the Project. He said the letter made a difference and the Project will be fully funded in fiscal year 2000. He described his four full-time, seven part-time declassification

team as a well-qualified group of retired Hanford workers from many fields. He stated that this is a unique window in time when the project has the expertise and resources needed to declassify Hanford documents.

Kim Engle explained that the goal is to review all documents, which will make Hanford unique among the Department of Energy sites. Many documents are released after the classified parts are removed, which is often only five percent of the material. The Project is declassifying both contractor and Department of Energy documents. Kim Engle explained that despite recent publicity about security concerns at DOE, the Hanford Declassification Project is still "in business" and has not been curtailed. Declassification is now planned for in DOE contracts. The Project is doing safe and careful declassification and is two-thirds complete.

Rich Lyons from the Office of Declassification at DOE headquarters explained that Roger Heusser could not attend this workshop because he is busy with the security concerns mentioned earlier. He said he was learning a lot from this workshop. He stated that openness at Headquarters is not dead. He handed out a memorandum for distribution, dated May 26, from Joseph S. Mahaley, Director of the Office of Security Affairs, which clarifies that "the Department of Energy is not ending its openness efforts." He described efforts at Headquarters and provided a handout summarizing all DOE declassification actions, saying it was also available from DOE's OpenNet web site (<http://www.osti.gov/opennet/>). He agreed with Kim Engle's and Rick Stutheit's assessments at the second and third Workshops that the Kyl Amendment has slowed down the pace of declassification at DOE this year.

ROUNDTABLE DISCUSSION #1-INCLUDING THE TRIBES IN DOE DECLASSIFICATION EFFORTS

Participants spent the afternoon of the workshop in interactive, roundtable discussions on central topics identified by the Tribal Openness Working Group. Issues, questions and concerns voiced during the first roundtable discussion, on the topic including the tribes in DOE declassification efforts, include:

- Do Hanford documents use scientific or common terms? Do the declassifiers add common names to titles with scientific terms? Scientific terms are rarely used in titles. The declassifiers do not change titles, but they do add keywords to make contents more clear.
- Are there terms used by tribes that need to be considered during declassification?
- Tribes and stakeholders need to be able to retrieve information, not just have documents declassified. Openness is going the extra step to make data available and understandable to the public.
- The Hanford Declassification Project declassifiers creating the keywords used for searching will not be able to develop keywords relevant to tribes without direct tribal assistance. It is impossible to capture an entire culture in a list of words.
- On-going information sessions between declassifiers and tribes need to be established.
- Are there currently any special efforts to make declassification work for tribes? No, today is a starting point.
- DOE is obliged to respond to requests for specific documents under the Freedom of Information Act. That is one way to get information.
- DOE headquarters supports DOE-Richland efforts to work with tribes on declassification.
- If the Hanford Declassification Project keywords are changed to reflect tribal concerns, the documents reviewed from this point forward, including the backlog of declassified but not reviewed documents, would utilize the new keyword list. There could be an effort in the

future review the already-released documents.

-- In a review of released Hanford documents conducted by Workshop members, it was determined that the abstract of a document often revealed more about what information the document contained than did the title or keywords. It would be helpful if abstracts were searchable as well. -- Meetings with tribes need to be uniform and consistent for each tribe. DOE must not have uneven or unequal interactions.

-- There needs to be a Native American representative/liaison from each tribe to work with declassification efforts if they are to be responsive to tribal concerns.

-- Is the Hanford Declassification Project inadvertently releasing documents which are protected under the National Historic Preservation Act, sections 106, 108, and 110?

-- It is hard to know where in the huge "pile" of Hanford documents there is information of interest to the Tribes. Do Hanford Declassification Project reviewers have suggestions? -- Much of the information the tribes are interested in may be in documents that were never classified.

-- Scientific and technical reports are sent to the Office of Scientific and Technical Information, in Oak Ridge, Tennessee and are included in a database called **Information Bridge** which is available on the Internet. Also, go to the DOE-Richland Technical Library and search, with assistance from the staff there.

-- Hanford Declassification Project reviewer's idea of what interests the tribes has changed from today's discussions.

-- Keep in mind that terms like "burial grounds" mean something quite different to DOE-Richland engineers than to tribes.

-- Tribes assert that information on some sacred sites and cultural information are exempt from Freedom of Information Act requests.

-- I wish we'd had a discussion like this earlier in the project. We need better, face-to-face communications. We need to build trust.

-- "Native American" is a new term, which won't be in older documents. Other terms change over time as well.

-- The tribes want to be directly involved in tribal declassification. We do not want to slow-down the Hanford Declassification Project's efforts, but maybe we can add a follow-up step to the review process. We can begin conversations and work toward this.

-- Classified data is only five percent or so of total documents at Hanford. The other 95% are not being reviewed or having keywords added. How does the public access not-classified documents at Hanford? We need to look at this issue.

-- My tribe is interested in the classified information, though it is only five percent. Since it is classified, it raises suspicion. We need to allay these fears.

-- The goal is to facilitate declassification in a way that doesn't put tribes at odds with values of openness.

-- Declassification is just a small part of tribal openness concerns and even a small part of the process of making information available.

-- Declassification deals with openness about past activities. Present-day openness toward the tribes regarding decision-making is also important.

-- Declassification is important for building trust between the tribes and DOE.

-- Direct discussions with the declassifiers are better than having tribes review indexes.

ROUNDTABLE DISCUSSION #2-PROTECTING CULTURAL INTEGRITY WHILE PRESERVING PRIVACY

Perspectives expressed during the second roundtable discussion included: -- The tribes are sovereign governments and they need to protect governmental information.

-- A tribe cannot suppress individuals, but when there is a sovereign government involved the individual can't speak for a tribe.

- The tribes do not have the funding to address these issues. How can we be involved without the needed resources?
- Tribal cultural, oral information can communicate to non-Indians in ways technical documents cannot. We need to capture that perspective, though it doesn't have to contain the specifics tribes want to protect.
- Tribes are starting to do oral histories, such as the "Close the Circle" video, with DOE assistance. Can this video be added to the Hanford Health Information Archives? Can a video for the Archives be a separate project which builds on the "Close the Circle" video to get tribal oral histories in the Archives?
- The Hanford Health Information Archives Board will discuss what we've learned today at its next meeting.
- Tribal elders are cautious of cameras, recording and having their words written down because non-Indians have abused this in the past.
- Researchers should consult directly with tribal councils to develop research plans; this is another source for information beyond the Hanford Health Information Archives.
- It is important to keep ownership of information within the tribe.
- The Archives do not screen out non-health information, because it adds to the richness of the data.

ROUNDTABLE DISCUSSION #3-DECISION MAKING AT DOE IN AN OPEN AND "GOVERNMENT-TO-GOVERNMENT" ENVIRONMENT

Participants in the third roundtable discussions shared the following comments and opinions:

- Federally recognized tribes are subject to consultation as governments.
- "Government-to-government" means discourse occurring between appropriate levels: elected official to elected official, leader to leader, decision-maker to decision-maker, etc.
- It is not appropriate to put tribes in a position where they "compete" for resources.
- Government-to-government requirements are not just limited to Hanford cleanup, but to any activity undertaken by the federal government that may affect the tribes.
- Tribes are not receiving enough information about Hanford to adequately address Tribal concerns.
- We have to communicate well at the staff level for leadership relations to work.
- Tri-Party Agreement section 10.10 is important. The tribes are supposed to receive documents and have comment periods equal to the Environmental Protection Agency and Washington State Ecology. DOE-Richland needs to push to make this work. The Tri-Party Agreement Agencies need to reinstate briefings.
- The public is at a disadvantage in having the time and resources to participate fully in DOE activities and decisions. It sounds like the tribes are too. It is difficult to adequately participate.
- Tribal staff are working to preserve their culture, not just for a paycheck or a career. Recognize how important this makes our work.

NEXT STEPS AND ACTION ITEMS

Participants concluded the day by reviewing several key next steps and acknowledging that there are many other action items to pursue which have arisen during the discussions. They key next steps include:

- Kevin Clarke to help Rick Stutheit and Kim Engle meet their commitment to arrange information sessions between the Hanford Declassification Project staff and each tribe, to get into greater depth on tribal issues and concerns relating to Project. Tribes to consider involving elders in these sessions.

- Kevin Clarke to help Rick Stutheit arrange meetings between Hanford Declassification Project declassifiers and a tribal cultural group identified by Richard Buck.
- Workshop Spokesperson Mary Lou Blazek to meet with the tribal cultural group identified by Richard Buck.

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